

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10 CV 204

RDLG, LLC,)	
)	
Plaintiff)	
)	<u>ORDER</u>
v)	
)	
RPM GROUP, LLC; RPM GROUP)	
BROKERAGE, LLC; FRED M. LEONARD,)	
JR. a/k/a CHIP LEONARD; JESSICA LEWIS)	
LEONARD; JASON BENTON; NICK JAMES;)		
and DEXTER HUBBARD,)	
)	
Defendants)	

THIS MATTER is before the undersigned pursuant to Plaintiff's Motion for Charging Order (#184). In the motion, Plaintiff requests that a Charging Order be entered by this Court pursuant to N.C.G.S. § 57D-5-03 charging the ownership and economic interests of Defendant and Judgment Debtor Fred M. Leonard, Jr. a/k/a Chip Leonard in Pilots Knob Holdings, LLC, a North Carolina limited liability company. The Defendant did not respond to the motion and the Court now enters the following Order:

Background. On January 14, 2015 the undersigned entered a Judgment (#179) as a result of a jury verdict in favor of the Plaintiff against the Defendant Fred M. Leonard, Jr. in the amount of \$500,580.36 with interest thereon accruing at the

rate provided by law and the cost of the action as may be determined by the Clerk of this Court. It appears from the affidavit of Benjamin E. Shook (#186) that the Defendant Fred M. Leonard, Jr. is a member and has an ownership interest in Pilots Knob Holdings, LLC (#185 & #186). It further appears from the Plaintiff's motion that the Defendant Fred M. Leonard, Jr. has failed to satisfy the Judgment entered in favor of the Plaintiff against Defendant Leonard.

Discussion. N.C.G.S. § 57D-5-308(a) states as follows:

(a) On application to a court of competent jurisdiction by any judgment creditor of an interest owner, the court may charge the economic interest of an interest owner with the payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the right to receive the distributions that otherwise would be paid to the interest owner with respect to the economic interest.

From the pleadings filed by the Plaintiff it appears that Defendant Fred M. Leonard, Jr. is a member and interest owner in Pilots Knob Holdings, LLC, and that the Judgment entered by this Court in favor of the Plaintiff against Defendant Leonard is unsatisfied. This Court will enter an Order pursuant to N.C.G.S. § 57D-5-308(a), charging the economic interest of Fred M. Leonard, Jr. in Pilots Knob Holdings, LLC with the payment of the unsatisfied amount of the Judgment entered in favor of the Plaintiff against Defendant Leonard with interest.

ORDER

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Charging

Order (#184) is **ALLOWED**. It is further directed that the economic interest of Fred M. Leonard, Jr. in Pilots Knob Holdings, LLC is hereby charged with the payment of the unsatisfied amount of the Judgment entered in favor of the Plaintiff against Defendant Fred M. Leonard, Jr. with interest. It is further **ORDERED** that the Plaintiff shall serve a copy of this Order upon Pilots Knob Holdings, LLC in accordance with Rule 4(j)(8) of the North Carolina Rules of Civil Procedure.

Signed: July 13, 2015

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

